



Montana Fish, Wildlife & Parks
Region 4
4600 Giant Springs Road
Great Falls MT 59405

October 23, 2019

Dear Interested Party:

Thank you for your input and feedback regarding the environmental assessment (EA) for the proposed action of stream restoration on Hardy Creek. The proposed action would be completed to restore the function of Hardy Creek. This action would result in Hardy Creek being reconnected with the Missouri River and would allow Hardy Creek to serve as a spawning tributary for trout in the Missouri River.

Enclosed is a decision notice document in which Montana Fish, Wildlife & Parks (FWP) explains its rationale for proceeding with the proposed action and responds to public comments received during the public comment period.

Please feel free to contact the local management biologist, Jason Mullen, at (406) 454-5855 with any questions you may have. Thank you for your interest and participation.

Sincerely,

Gary Bertellotti
Regional Supervisor
FWP Region 4



ENVIRONMENTAL ASSESSMENT DECISION NOTICE

Hardy Creek Restoration

Proposed Action

Reconnect Hardy Creek with the Missouri River by reconstructing a stream channel through a gravel pit, redefining the channel downstream of the gravel pit, and removing or modifying several culverts in lower Hardy Creek. Restoration of the channel will allow Hardy Creek to function as a spawning and rearing tributary for trout in the Missouri River.

Montana Environmental Policy Act

FWP is required by the Montana Environmental Policy Act (MEPA) to assess potential impacts of its proposed actions to the human and physical environments. In compliance with FWP's MEPA Public Involvement Policy, an Environmental Assessment was prepared by FWP for the proposed project and released on September 13, 2019 for public comment. The EA was titled *Hardy Creek Restoration*. The EA was the subject of an FWP press release and was posted and remains available for viewing on the FWP webpage at <http://fwp.mt.gov/news/publicNotices>. The EA evaluated the potential impacts of the proposed action and the No Action alternative through the Joint Application referenced in the EA. If the No Action alternative was adopted, the project objectives of restoring Hardy Creek would not be met.

Summary of Public Comment and FWP Response

Four official public comments were received during the comment period, which ended on October 14, 2019. One comment was by email and three comments were received in writing by mail. Three comments supported the proposed action, while one commenter did not. One of three commenters that expressed support for the project provided additional recommendations for the project. Comment summaries and the Department's response are as follows:

Comment Summary 1

One commenter expressed that he “couldn’t be more happy and pleased with the idea”. The commenter added that given the economic value of the Missouri River fishery, why not attempt to make it better by adding additional spawning habitat.

MTFWP Response: Thank you for your comment.

Comment Summary 2

Montana Trout Unlimited provided a public comment letter, and wished to go on record “strongly supporting this project that will restore Hardy Creek to a place that can support a viable spawning and rearing source for trout in the Missouri River.”

Montana Trout Unlimited continued, “The restoration of a viable stream channel through the existing gravel pit will provide for a year around flow of water, resolving the current late summer dewatering situation”.

MTFWP Response: Thank you for your comment. While we believe that the restoration of Hardy Creek will result in greater connectivity to the Missouri River, it should be noted that the restored reach may still exhibit low or no flow, during certain times of the year, and/or especially during dry years. However, the restoration project will allow Hardy Creek to flow more often than the current state where the gravel pit must now fill before it will flow out to the Missouri River and then again ceases to flow out of the gravel pit as water levels recede. We expect that the restored Hardy Creek will flow to the Missouri River more regularly during the spring rainbow trout spawning season and provide more habitat for spawning. Even if Hardy Creek ceases to flow to the Missouri River during summer or fall, given that a viable population of resident brook trout and sculpin exists in Hardy Creek upstream and downstream of the culvert barrier, we expect that the offspring of trout spawned in Hardy Creek will be able to overwinter until spring flows reconnect it to the Missouri River.

Comment Summary 3

One local landowner expressed general support for the Hardy Creek restoration plan stating, “I applaud FWP’s goal to ‘reconnect Hardy Creek with the Missouri River’ and am generally supportive of your proposed plan for restoration work on the east side of the highway.” The commenter expressed several concerns and recommendations summarized below;

- 1) The commenter recommends equipment operators be on extreme alert for historical or archaeological sites based on documentation of a late 1880s post office, railroad station, and a school in the vicinity of the Hardy Creek confluence with the Missouri River.
- 2) The commenter proposed improving access to and quality of recreational activities, including improved access at the confluence and interpretive signage regarding historical activity in the area.

- 3) The commenter expressed concern about where the rock will be obtained for the project and indicated that Tower Rock is listed on the National Register of Historic Places and that no rock should be used from the "quarry" on the northern end of Tower Rock.

MTFWP Response: Thank you for your comment.

- 1) As stated in the EA and referenced Joint Application, a cultural resource inventory was completed on April 5, 2018 (Ferguson 2018). This included an existing records search and an on the ground field inventory of the project area. The records search found three previously recorded cultural properties in the general vicinity of the project area, including a historic exploration and settlement site, the historic Great Northern Railroad, and a historic aviation beacon. Only the Great Northern Railroad was determined to be within the study area and the resource survey determined the channel work under the railroad bridge would not have any effect to the National Register-eligible railroad. This report was submitted to the State Historic Preservation Office (SHPO) and SHPO concurred with the finding on May 1, 2018.
- 2) The majority of land where the restoration activities will occur, including at the confluence of Hardy Creek with the Missouri River is private. The landowners have generously supported the restoration of Hardy Creek. Most parcels are small and have residential houses on them or nearby. Thus, MTFWP will not be pursuing additional access opportunities on the private landowner's property, unless approached by a landowner. Similarly, MTFWP will not be pursuing interpretive signage as part of the Hardy Creek restoration project at the confluence as the property is privately owned. While MTFWP supports public access and interpretive signage where appropriate, the small nature of the parcels and presence of nearby residents limits the potential in this case.
- 3) Given that Tower Rock is listed on the National Register of Historic Places, MTFWP will commit to not using rock from the old "quarry" on the north side of Tower Rock.

Comment Summary 4

One comment letter from a local landowner, stated that "We cannot support your proposal for a Hardy Creek Restoration." The commenter was concerned because MTFWP will want to limit or stop a diversion from withdrawing water from Hardy Creek. The ditch supports trees along its length and is esthetically pleasing. The commenter states that some years Hardy Creek is no more than just a trickle with no water flowing into the ditch, and the more fish that move up to spawn the more that would perish.

MTFWP Response: Thank you for your comment. The EA only considers the physical restoration of Hardy Creek and does not address water withdrawals or the potential for reducing withdrawals through leasing or other cooperative methods working with water users. If MTFWP pursues this in the future, we will work with water users to prevent adverse effects to their water rights and minimize associated impacts.

While MTFWP may pursue working with water users in the future to improve instream conditions, MTFWP believes this will be a beneficial project even under the existing water scenario. As described in comment response 2, Hardy Creek currently supports a viable population of resident brook trout and sculpin upstream and downstream of the culvert barrier on the frontage road. We expect that the offspring of trout spawned in Hardy Creek will be able to overwinter until spring flows reconnect it to the Missouri River.

Decision

Based on the Environmental Assessment, public comment, and FWP evaluation, it is my decision to proceed with the proposed Hardy Creek restoration project.

I find there to be no significant impacts to the human and physical environments associated with this project. Before implementation, the project will continue to undergo extensive review and require permits by the following agencies; the Army Corps of Engineers, Montana Fish, Wildlife and Parks, Montana Department of Environmental Quality, Montana Department of Transportation, Cascade County Floodplain, and BNSF Railroad. Public comments received during the comment period showed general support for the proposed action. Therefore, I conclude that the Environmental Assessment is the appropriate level of analysis, and that an Environmental Impact Statement is not required.



Gary Bertellotti
Regional Supervisor
FWP Region 4

REFERENCES

Ferguson, D. 2018. A Class III Cultural Resource inventory of the Hardy Creek Bank Restoration Project, Cascade County, Montana. Prepared for Legacy Consulting Services, LLC. Butte, Montana.